

Assuring Verification, Compliance, and Implementation

Paula A. DeSutter

Assistant Secretary of State for Verification, Compliance, and Implementation



Paula A. DeSutter

The Bureau of Verification, Compliance, and Implementation, which I have been pleased to head since August of 2002, is one of the newest bureaus of the Department of State. It was created by an act of the U.S. Congress in 2000. Congress believed that it was important to separate activities related to the verification of compliance with arms

control, nonproliferation, and disarmament agreements from the actual negotiation process. The Conference Report accompanying the legislation which authorized the establishment of our bureau stated: “It is essential that the verification and compliance aspects of arms control and nonproliferation agreements are given a voice at the most senior policy-making levels. . . . [T]he Assistant Secretary (for VCI) shall serve as the principal State Department participant in all executive branch interagency groups, including intelligence groups, concerned with verification or compliance matters.”

This Congressional language underscores the importance of having an independent bureau, informed by the best intelligence available, judging and reporting the compliance level of nations with which the United States has arms control, nonproliferation, and disarmament agreements. The United States views compliance as a vital national security matter, and believes that other nations must view these agreements seriously and with every determination to fully comply.

The VCI Bureau is responsible for the preparation

of a report on “Adherence to and Compliance with Arms Control and Nonproliferation Agreements and Commitments,” which is submitted to our Congress by the secretary of state on behalf of the president [<http://www.state.gov/t/vci/rls/rpt/c9721.htm>]. We are also involved whenever a new arms control or nonproliferation agreement is being negotiated in ensuring that it is “verifiable.” Our bureau advises on the degree to which an assessment of high confidence of compliance is likely given the context, specific language, and overall terms of the new agreement or commitment, and whether non-compliance could be detected in a timely enough manner to allow us to take effective countermeasures in order to address the detrimental effect to our national security resulting from noncompliance. Whenever a new agreement is submitted for Congressional review and possible ratification, I must certify to the Congress the degree to which its obligations are verifiable.

I was struck early in my tenure, through discussion with many of my counterparts in other governments, by a fundamental misunderstanding of how the United States reaches its judgments on compliance. Many professed the view that our compliance assessments were based on political judgments. In other words, if we had poor relations with country X, we would find that country X was in noncompliance with whatever arms control and nonproliferation agreements and commitments to which it was a party. Consequently, I, along with other members of the VCI Bureau, have undertaken an effort to demonstrate that our compliance judgments are based on a rigorous process under which we carefully review the legal requirements arising from the agreement or commitment and all available relevant information. In many cases, the most difficult part of this process is establishing what the language of the agreement or commitment actually

requires of parties. In cases where there is disagreement on such a question within the U.S. government, the president ultimately decides what the obligations are, and we proceed accordingly. The point I would like to stress is that our judgments on compliance are independent of other political considerations, and we hold each party to the same standards when assessing their compliance to our arms control and nonproliferation agreements.

The VCI Bureau has five offices directly concerned with verification, compliance, and implementation of existing arms control, nonproliferation, and disarmament treaties, agreements, and commitments. These are the Office of Nuclear Affairs, the Office of Strategic Issues, the Office of Technology and Assessments, the Office of Biological Weapons Affairs, and the Office of Chemical and Conventional Weapons Affairs. We also host the Nuclear Risk Reduction Center, which operates around-the-clock monitoring government-to-government communications links with the Russian Federation, Belarus, Kazakhstan, Ukraine, the 56 states of the Organization for Security and Cooperation in Europe (OSCE), the OSCE Secretariat, NATO, and the Organization for the Prevention of Chemical Weapons (OPCW) in The Hague. One of the most interesting things about VCI is that we have a number of physical scientists, including nuclear physicists, chemists, biologists, engineers, and even a seismologist, serving as key staff in this bureau. Their expertise is critical to our being able to fulfill our mission.

The ongoing issues with which VCI is concerned include the Fissile Material Cutoff Treaty, the Denuclearization of North Korea pursuant to the September 2005 Joint Statement reached in the Six Party Talks and the subsequent Six Party agreement on Initial Actions of February 2007, compliance with U.N. Security



© AP Images/Virginia Mayo

Secretary of State Condoleezza Rice at a media conference following a meeting of NATO foreign ministers at the National Palace of Culture in Sofia, Bulgaria, in April 2006. Iran's uranium enrichment program was discussed during the meeting.

Council Resolution 1718 (2006) concerning the testing of a nuclear device by North Korea, and compliance with U.N. Security Council Resolutions 1737 (2006) and 1747 (2007) concerning Iran's ongoing noncompliance with its obligations to the International Atomic Energy Agency and the Nuclear Nonproliferation Treaty.

The VCI Bureau played a central role in assisting Libya with fulfilling its December 2003 commitment to eliminate its weapons of mass destruction programs and its Missile Technology Control Regime-class missiles. The United States and the United Kingdom are working closely with Libya to ensure the fulfillment of all its commitments undertaken in December 2003. All items of concern have either already been destroyed or are planned for destruction. We are working with the government of Libya to ensure that the Libyan model remains a compelling example for other states to follow.

VCI also plays a very active, catalytic role in the determination of when sanctions will be imposed for the violation of various nonproliferation obligations. Sanctions on foreign entities are supported by our compliance assessment work and enhance our proliferation deterrence.

The lack of a forceful international response to the proliferation of WMD and missiles has created a crisis of compliance that threatens long-standing agreements such as the Nuclear Nonproliferation Treaty. We continue to see

proliferation of WMD by rogue states who often exhibit a cavalier disregard for their commitments.

Non-compliance challenges other states because it represents a heightened threat to their security interests as well as those of the United States. It represents a challenge to the international community as a whole because, if arms control and nonproliferation agreements and commitments are to continue to serve as a useful bulwark against the spread of weapons of mass destruction, ways must be found to return a noncompliant state back to compliance. It is necessary to understand that there may be cases in which noncompliance is simply a matter of misunderstanding or overlooking a certain obligation. In such cases returning the offending state

to compliance is a relatively simple matter. However, in cases where noncompliance is deliberate and ongoing, and the offending state is attempting to use the cover of being party to a certain arms control or nonproliferation agreement or commitment to either gain access to information and material or as cover for non-compliant behavior, the challenge becomes a difficult one indeed.

The VCI Bureau wants to work with all interested governments and organizations that believe that compliance with international arms control and nonproliferation agreements and commitments are essential to a safe and secure future. ■

<http://www.state.gov/t/vci/>



© AP Images/Susan Walsh

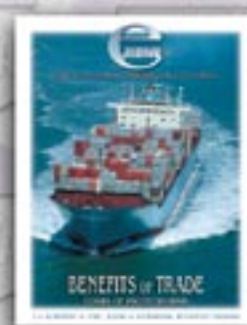
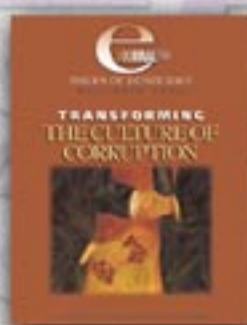
President Bush examines materials and equipment collected from Libya with National Security Advanced Technology manager Jon Kreykes (right) at the Oak Ridge National Laboratory in Oak Ridge, Tennessee.



**A MONTHLY JOURNAL
ABOUT THE UNITED STATES
OFFERED IN MULTIPLE
LANGUAGES**

Five Thematic Editions:

- Economic Perspectives
- Foreign Policy Agenda
- Global Issues
- Issues of Democracy
- Society & Values



REVIEW THE FULL LISTING OF TITLES AT
<http://usinfo.state.gov/pub/ejournalusa.html>